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Assembly
California Legislature



CINDY MONTANEZ
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January 26, 2006

The Honorable Robert Sawyer
Chairperson
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: the Memorandum of Understanding (MOU) between the California Air Resources Board (CARB) and the Railroad Industry (BNSF and UP) in Southern California.

Dear Chairman Sawyer:

On behalf of my constituents, I write to address significant concerns and opposition that remain unresolved regarding the 2005 statewide Memorandum of Understanding (MOU) between the California Air Resources Board (CARB) staff and the Union Pacific and Burlington Northern Santa Fe railroad companies. At the center of the opposition is the process that led to the MOU circumvented public participation and the rightful role of elected officials in local and state government to develop regulations in the public interest.

A close examination of the CARB MOU shows a lax and informal process that is hostile to transparency and accountability in government. Of highest concern regarding the "deal" between CARB and the rail industry is the "Termination Clause". I strongly urge CARB to nullify this clause and review the content and process of the MOU and develop a new set of rules that will meet the needs of all Californians.

I intend to closely follow CARB's process to make certain that the interests of the people I serve are protected and air pollution impacts of railroad operations are reduced or mitigated to the fullest extent.

Should you have any questions please do not hesitate to contact my office.

Sincerely,

Cindy Montanez,
Assemblymember, 39th District